

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD DECEMBER 6, 1999 AT 2:00 P.M. IN WARRENTON, VIRGINIA***

**P R E S E N T** Mr. Larry L. Weeks, Chairman; Mr. Joe Winkelmann, Vice Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

**BRIEFING ON VINT HILL ECONOMIC DEVELOPMENT AUTHORITY REZONING REQUEST**

Rick Carr, Director of Community Development, presented an update on the rezoning request for the Vint Hill Economic Development Authority, which would be the subject of a public hearing later in the evening.

**CENTRAL ELEMENTARY SCHOOL REUSE PLAN**

The Board of Supervisors received an update regarding alternatives to the space needs of the Commonwealth Attorney and the clerks of the Circuit and General District Courts and use of Central Elementary School.

**1999 ACTIVITIES UPDATE AND 2000 PLAN OF WORK - JOHNSON GRASS CONTROL COMMITTEE**

The Johnson Grass Control Committee presented an update of activities and the 2000 Plan of Work.

The meeting was reconvened in Regular Session at 6:30 p.m. in the Auditorium at Warrenton Middle School, Waterloo Street, Warrenton, Virginia.

**ADOPTION OF THE AGENDA**

Mr. Winkelmann moved to adopt the agenda subject to acceptance of a substitute resolution for A Resolution to Authorize the Chairman of the Board of Supervisors to Sign a Letter to the Army Corps of Engineers (ACOE) Requesting the Status of the Permit for Construction and Operations of the Cedar Run Dam #6 (Auburn). Mr. Mangum seconded, and the vote for the motion was unanimous as follows:

*Ayes:        Mr.  
         Larry        L.  
         Weeks;     Mr.  
         Joe  
         Winkelmann;  
         Mr. Wilbur W.  
         Burton;     Mr.  
         James        R.  
         Green,        Jr.;*

*Mr. David C.  
Mangum*

*Nays: None*

*Absent During  
Vote: None*

*Abstention:  
None*

## **CITIZENS TIME**

- Kitty Smith requested the Board of Supervisors explain the Consent Agenda item dealing with changing the meeting times for the January meeting. Dr. Smith also expressed concern regarding the Board of Supervisors adopting the recommendations of the Judicial Center Action Team before it goes to the Planning Commission for consideration in the Capital Improvements Plan.
- Bob Schotta informed the Board of activities planned for First Night Warrenton scheduled for December 31.
- Steve Crosby introduced his son, Kevin, and informed the Board that Kevin was attending this meeting working on his Community Merit Badge to become a Life Scout.

## **CONSENT AGENDA**

Mr. Winkelmann moved to adopt the following Consent Agenda items. Mr. Mangum seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.  
Larry L.  
Weeks; Mr.  
Joe  
Winkelmann;  
Mr. Wilbur W.  
Burton; Mr.  
James R.  
Green, Jr.;  
Mr. David C.  
Mangum*

*Nays: None*

*Absent During  
Vote: None*

*Abstention:*  
*Non*

A Resolution Authorizing the County Administrator to Acquire, by Purchase or Condemnation, Real Property Necessary to Expand the Warrenton-Fauquier Airport

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACQUIRE, BY PURCHASE OR CONDEMNATION, REAL PROPERTY NECESSARY TO EXPAND THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, the Fauquier County Board of Supervisors has adopted a Master Plan for the Warrenton-Fauquier Airport which provides for expansion of the Airport; and

WHEREAS, the Fauquier County Airport Committee previously recommended that the County of Fauquier institute land acquisition procedures to acquire, by purchase or condemnation, those properties necessary for the Warrenton-Fauquier Airport expansion; and

WHEREAS, several properties have already been acquired, either by purchase or condemnation, and additional properties are in the process of being acquired as part of the Airport expansion project; and

WHEREAS, funds are available under an existing Federal Aviation Administration grant for appraisal work and other efforts related to the acquisition, in fee simple, of the following properties:

**NAME PIN ACREAGE**

**Chambers, Carolyn Lake, 7900-40-8840 12.2754 Acres**

Winfield Scott & Andrew Franklin

WHEREAS, pursuant to Section 5.1-31 et seq. of the Code of Virginia, 1950, as amended, counties are authorized to acquire, construct, maintain and operate airports and airport related facilities; and

WHEREAS, pursuant to Section 5.1-31 of the Code of Virginia, 1950, as amended, counties are authorized, by purchase or condemnation, to acquire land necessary to construct, maintain, and operate airports; and

WHEREAS, the Board of Supervisors has determined that public use and necessity require the acquisition of certain properties for the expansion and operation of the Warrenton-Fauquier Airport, and, by adoption of this resolution, determines that it is in the public interest to proceed with efforts to acquire the aforesaid properties, either through the payment of the fair market value as determined by appraisal or, if such

value is not acceptable to the landowners, by the power of eminent domain; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That the County Administrator be, and is hereby, authorized to proceed with efforts to acquire, for purposes of expansion of the Warrenton-Fauquier Airport, the following described property, in fee simple and at fair market value as determined by a competent appraisal:

**NAME PIN ACREAGE**

**Chambers, Carolyn Lake, 7900-40-8840 12.2754 Acres**

Winfield Scott & Andrew Franklin

and, be it

RESOLVED FURTHER, That should the owners of the aforesaid lands refuse the offer of fair market value, the County Administrator and County Attorney be, and are hereby, authorized to institute on behalf of the County of Fauquier condemnation proceedings to acquire a fee simple interest in the properties; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to execute all purchase or settlement documents or eminent domain pleadings as are necessary to acquire fee simple title to the properties and is hereby authorized to expend such funds from the Capital Project Fund as are necessary to acquire the aforesaid lands, in fee simple, subject to reimbursement in accordance with the terms and conditions of the existing Federal Aviation Administration grant funds.

A Resolution to Appropriate \$25,928 to Provide Multi-Functional Computer Equipment to the Board of Supervisors, County Administrator, and County Attorney

RESOLUTION

A RESOLUTION TO APPROPRIATE \$25,928 TO PROVIDE MULTI-FUNCTIONAL

COMPUTER EQUIPMENT TO THE BOARD OF SUPERVISORS

COUNTY ADMINISTRATOR, AND COUNTY ATTORNEY

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the operation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, the Board of Supervisors requested \$25,928 in increased revenue from Prior Year Funds be appropriated to fund seven (7) laptop computers, printer/fax/copiers and pagers to facilitate communication with citizens, County staff and other Board members; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of December 1999, That the sum of \$25,928 be carried over, transferred or appropriated, and hereby approved as follows:

	FROM			TO	
Source	Code	Amount	Department	Code	Amount
Prior Year Funds	3-100-41900-0010	\$25,928	Board of Supervisors	4-100-11010-8207	\$25,928
<b>TOTAL</b>		<b>\$25,928</b>			<b>\$25,928</b>

A Resolution to Appropriate \$1,390 to Reimburse the Fauquier County Fair, Inc. for Zoning and Related Fees for the New Fair Grounds

## RESOLUTION

### A RESOLUTION TO APPROPRIATE \$1,390 TO REIMBURSE

### THE FAUQUIER COUNTY FAIR, INC. FOR ZONING AND

### RELATED FEES FOR THE NEW FAIR GROUNDS

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the operation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, the Fauquier County Fair, Inc. requested \$1,390 be appropriated to fund zoning and related fees paid in order to seek plan approval for the new fair grounds; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of December 1999, That the sum of \$1,390 be carried over, transferred or appropriated, and hereby

approved as follows:

	FROM			TO	
Source	Code	Amount	Department	Code	Amount
Contributions	4-100-81066-5674	\$1,390	Fair Board	4-100-81600-5664	\$1,390
<b>TOTAL</b>		<b>\$1,390</b>			<b>\$1,390</b>

A Resolution to Adopt Revisions to Section 23 of the Fauquier County Personnel Policy, Position Classification Plan

RESOLUTION

A RESOLUTION TO ADOPT THE REVISIONS TO PERSONNEL  
POLICY SECTION #23, POSITION CLASSIFICATION PLAN,  
PARAGRAPH VIII POSITION CLASSIFICATION APPROVAL  
AND PARAGRAPH XII SALARY ASSIGNMENT OF EMPLOYEE

WHOSE POSITION IS UPGRADED

WHEREAS, periodically a review is initiated of certain Personnel Policies to ensure that they are meeting the objectives of the County and the needs of the County employees; and

WHEREAS, such a review of this policy was conducted; and

WHEREAS, based upon this review, it is recommended that the policy revisions reflect the County Administrator's authority to waive the external advertisement requirement for positions reclassified by more than three (3) grade advances at grade twenty (20) and above when just cause has been successfully demonstrated; and

WHEREAS, for proper position classification approval, the Director of Personnel shall submit an Agenda Request and Resolution to the Board of Supervisors and School Board; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That the revisions made in Personnel Policy, Section #23, *Position Compensation Plan*, be, and are hereby, approved; and, be it

RESOLVED FURTHER, That the effective date of the revisions be December 1, 1999;

and, be it

RESOLVED FINALLY, That the County Administrator, be, and is hereby, directed to administer this revised policy and changes in accordance with applicable Fauquier County policies and procedures.

Policy Title: Section No. Page 5 of 9

Position Classification Plan 23

C. On occasion a department may make significant changes in a vacant position during the fiscal year, which the department could not anticipate at the time the proposed budget was adopted. When this occurs, the Department Head in order to ensure that the position is appropriately classified prior to advertising, shall submit a written request to reclassify the position to the Department of Personnel. Only vacant positions and positions identified by the Director of Personnel as impacted by changes to vacant positions may be reclassified outside the annual budget process.

D. When a Department Head/Constitutional Officer, School Principal or Administrator feels that a particular position should be reclassified, they must submit a request to reclassify the position to the Department of Personnel.

E. Once the request to reclassify is received by the Department of Personnel, the request will be reviewed by the Director of Personnel. If the Director of Personnel agrees that the reclassification is in order, the request for reclassification will be forwarded to the County Administrator/Superintendent of Schools.

F. If the request for reclassification is approved by the County Administrator/Superintendent of Schools, it will be returned to the Department of Personnel with an indication of approval. The Director of Personnel will then submit a new class specification to the professional consulting firm in order that a title can be created and a grade assigned for the position.

G. On an annual basis, the Director of Personnel in conjunction with the County Administrator/Superintendent of Schools, shall select some positions for review and possible reclassification by the professional consulting firm so that all positions are studied within a five to six year period. Because of the distinction between department initiated reclassification requests and the periodic system-wide reviews, reclassification increases due to system-wide reviews would receive a one step increase per grade shift, or entry level step, whichever is greater. Employees in jobs recommended for a significant shift during this process shall not have to compete for their jobs in a recruitment and selection process.

### **III. Position Classification Approval**

A. The Director of Personnel ~~The Department Head/Constitutional Officer, School~~

~~Principal or Administrator~~ shall submit an Agenda Request and Resolution for the Board of Supervisors'/School Board's approval. Action by the Board of Supervisors/School Board will be made in accordance with the County/School Personnel Policy and other applicable personnel regulations and/or ordinances. This will usually be consistent with the adoption of the annual operating budget.

B. All positions reclassified by more than three (3) grade advances where the new grade is twenty (20) or above ~~will~~ may require external advertisement.

#### **IX. Appeals on Position Classification**

Department Heads/Constitutional Officers, School Principal or Administrator may appeal a position classification made by the Director of Personnel by requesting an administrative review by the County Administrator/Superintendent of Schools of the position classification prior to submission to the Board of Supervisors/School Board.

#### **X. Abolishment of Position**

The Board of Supervisors/School Board may abolish a classified position whenever funds are not available or when it is deemed necessary and in the best interest of the County/Schools to take such action. No position shall be deemed to be held as a matter of right.

#### **XI. Salary Assignment of Employee Whose Position is Downgraded**

Each employee filling a position which is downgraded as a result of a position reclassification shall retain in his/her downgraded position the salary he/she is receiving on the effective date of such action. This includes an employee whose salary is in excess of the maximum step of the grade to which the position is newly assigned. In order for the incumbent to qualify for the downgraded position, he/she must be performing the duties of the position as well as meet the minimum requirements for it. In the event that the incumbent fails to meet the minimum requirements of the position, he will be subject to the provisions of paragraph XIII of this section. An employee whose salary exceeds the maximum step for the grade will be eligible for cost of living increases, but will only be eligible for merit and other salary adjustments at the Board of Supervisors/School Board direction.

#### **XII. Salary Assignment of Employee Whose Position is Upgraded**

XII.

A. Upgrading will be effected upon approval by the Board of Supervisors/School Board of a reclassified position to a higher pay grade. In order to be promoted to the reclassified position, the incumbent must be currently performing the duties and



**possess the minimum qualifications of the position.**

**B. A qualified employee reclassified from one position to another position one (1) grade will receive a one step pay increase or step "A" of the new grade, whichever is greater.**

C. A qualified employee reclassified from one position to another position two (2) grades will receive a two step pay increase or step "A" of the new grade, whichever is greater.

D. A qualified employee reclassified from one position to another position three (3) grades will receive a three step pay increase or step "A" of the new grade, whichever is greater.

**E. A qualified employee reclassified from one position to another position four (4) grades or more will receive a four step pay increase or Step "A" of the new grade, whichever is greater, if the reclassified position is below grade twenty (20). All position reclassified by more than three (3) grades where the new grade is twenty (20) or above will may require external advertisement.**

**F. When just cause can be successfully demonstrated, the County Administrator shall have the authority to waive the external advertisement requirement for positions reclassified by more than three (3) grade advances at grade twenty (20) and above.**

~~F.~~ G. Increases are only available to employees rated satisfactory on their last performance evaluation and are not available to newly hired probationary employees unless the employee's current salary is below the minimum of the new salary grade. If the newly hired probationary employee's current salary is below the minimum rate for the new grade the employee will be receive "Step A" on the new salary grade.

~~G.~~ H. An employee will not receive more than one reclassification within a twelve month period. However, the employee will be eligible for cost of living adjustments and merit increase consideration.

### **XIII. Salary Assignment of Transferred Employee Whose Position is Abolished**

Each employee filling a position which is abolished as a result of reclassification, lack of funds, lack of necessary work, etc. shall be transferred to another position and maintain the same rate of pay, provided another such comparable position, for which the employee is qualified, exists. The employee shall receive the same salary he/she is receiving on the effective data the position is abolished unless the gaining department budget cannot provide the same salary. The employee will be eligible for the next comparable vacant position that occurs should a vacancy not exist within County/School service. The employee's merit pay increase date will not change unless there is a break in service.

**A Resolution to Adopt Revisions to Section 2 of the Fauquier County Personnel Policy,**

Leave

## RESOLUTION

A RESOLUTION TO REVISE PERSONNEL  
POLICY SECTION #2, LEAVE,PARAGRAPH IV EARNING AND  
ACCUMULATING ANNUAL LEAVE

WHEREAS, periodically a review is initiated of certain Personnel Policies to ensure that they are meeting the objectives of the County and the needs of the County employees; and

WHEREAS, such a review of this policy was conducted; and

WHEREAS, based upon this review, it is recommended that the policy revisions reflect procedural and administrative changes converting excess annual leave accrual limits to sick leave; and

WHEREAS, the conversion of excess annual leave to sick leave will commence on January 1 of each calendar year; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That this revision made in Personnel Policy, Section #2 Leave; Paragraph IV Earning and Accumulating Annual Leave, be, and is hereby, approved; and be it

RESOLVED FURTHER, That the effective date of this revision be December 1, 1999; and, be it

RESOLVED FINALLY, That the County Administrator, be, and is hereby, directed to administer this revised policy and changes in accordance with applicable Fauquier County policies and procedures.

Policy Title: Section No. Page 3 of 21

## Leave 2

B. Annual leave shall be earned and accumulated by all full-time, permanent employees working a 40 hour week as follows:

1. From zero (0) through five (5) years service - Eight (8) hours per monthly payroll period and a maximum accumulation of 192 hours.
2. From six (6) through ten (10) years service - Ten (10) hours per monthly payroll period and maximum accumulation of 240 hours

3. From eleven (11) through fifteen (15) years service - Twelve (12) hours per monthly payroll period and a maximum accumulation of 288 hours.
4. From sixteen (16) through twenty (20) years service - Fourteen (14) hours per monthly payroll period and a maximum accumulation of 336 hours.
5. Twenty one (21) years service and up - Sixteen (16) hours per monthly payroll period and a maximum accumulation of 384 hours.

Permanent employees who work revised work schedules (such as, but not limited to, personnel employed in the Sheriff's Office or Office of Emergency Services) shall earn and accumulate annual leave on a pro-rated basis.

C. Annual leave ~~shall be dropped~~ which is in excess of the specific limits imposed by the above paragraph and exists at the end of the leave year, December 31<sup>st</sup> shall be converted to sick leave. However, a Constitutional Officer or Department Head may request that approval be given by the County Administrator for an employee to carry excess annual leave when work load requirements clearly prevent an employee from using his/her scheduled annual leave. The request for approval must be supported by appropriate Policy documentation to include disapproved leave requests reflecting the specific reasons for disapproval and a proposed time schedule not to exceed four (4) months, wherein the carry over leave will be used. All carry over leave not used within the approved time schedule will be ~~forfeited~~ converted to sick leave.

D. Annual leave does not accrue for any period unless the employee is compensated for at least one-half (1/2) of the working days in that pay period.

E. A permanent employee who separates from the competitive service and returns to County employment within one year from the separation date shall have his/her formal accrual rate reinstated.

A Proclamation to Commend Wilbur W. Burton for His Services to the Citizens of Fauquier County Through Participation in the Process of Developing the VACo Region 7, North Central Virginia, Annual Legislative Program

## PROCLAMATION

A PROCLAMATION TO COMMEND WILBUR W. BURTON

FOR HIS SERVICES TO THE CITIZENS OF FAUQUIER

COUNTY THROUGH PARTICIPATION IN THE PROCESS

TO DEVELOP THE VACo REGION 7, NORTH

CENTRAL VIRGINIA, ANNUAL LEGISLATIVE PROGRAM

WHEREAS, the localities of Region 7, North Central Virginia, of the Virginia Association of Counties (VACo), which include the Counties of Caroline, Culpeper, Fauquier, King George, Loudoun, Rappahannock, Spotsylvania and Stafford, have joined together to promote their common good; and

WHEREAS, a significant annual effort toward that end is the development of a legislative program for presentation to those Senators and Delegates who represent the Region 7 localities in the Virginia General Assembly; and

WHEREAS, the Region 7, North Central Virginia, Legislative Program addresses important local issues such as growth management, education, taxation, human services, and unfunded mandates; and

WHEREAS, during his twelve years as a member of the Board of Supervisors of Fauquier County, Wilbur W. Burton has been an active participant in the development of the annual VACo Region 7 Legislative Program, giving unselfishly of his time and making a positive contribution to the deliberations; and

WHEREAS, through his participation in the development of the VACo Region 7 Legislative Program, Wilbur W. Burton has significantly contributed to the betterment of the citizens of Fauquier County, Region 7 and the entire Commonwealth of Virginia; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That Wilbur W. Burton is hereby commended and thanked for his services to the citizens of Fauquier County, region and state through participation in the process to develop the VACo Region 7, North Central Virginia, Annual Legislative Program.

A Proclamation to Commend James R. Green, Jr. for His Services to the Citizens of Fauquier County Through Participation in the Process of Developing the VACo Region 7, North Central Virginia, Annual Legislative Program

## PROCLAMATION

A PROCLAMATION TO COMMEND JAMES R. GREEN, JR.

FOR HIS SERVICES TO THE CITIZENS OF FAUQUIER

COUNTY THROUGH PARTICIPATION IN THE PROCESS

TO DEVELOP THE VACo REGION 7, NORTH

CENTRAL VIRGINIA, ANNUAL LEGISLATIVE PROGRAM

WHEREAS, the localities of Region 7, North Central Virginia, of the Virginia Association of Counties (VACo), which include the Counties of Caroline, Culpeper, Fauquier, King George, Loudoun, Rappahannock, Spotsylvania and Stafford, have joined together to promote their common good; and

WHEREAS, a significant annual effort toward that end is the development of a legislative program for presentation to those Senators and Delegates who represent the Region 7 localities in the Virginia

General Assembly; and

WHEREAS, the Region 7, North Central Virginia, Legislative Program addresses important local issues such as growth management, education, taxation, human services, and unfunded mandates; and

WHEREAS, during his twenty years as a member of the Board of Supervisors of Fauquier County, James R. Green, Jr. has been an active participant in the development of the annual VACo Region 7 Legislative Program, giving unselfishly of his time and making a positive contribution to the deliberations; and

WHEREAS, through his participation in the development of the VACo Region 7 Legislative Program, James R. Green, Jr. has significantly contributed to the betterment of the citizens of Fauquier County, Region 7 and the entire Commonwealth of Virginia; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That James R. Green, Jr. is hereby commended and thanked for his services to the citizens of Fauquier County, region and state through participation in the process to develop the VACo Region 7, North Central Virginia, Annual Legislative Program.

A Proclamation to Commend David C. Mangum for His Services to the Citizens of Fauquier County Through Participation in the Process of Developing the VACo Region 7, North Central Virginia, Annual Legislative Program

#### PROCLAMATION

A PROCLAMATION TO COMMEND DAVID C. MANGUM

FOR HIS SERVICES TO THE CITIZENS OF FAUQUIER

COUNTY THROUGH PARTICIPATION IN THE PROCESS

TO DEVELOP THE VACo REGION 7, NORTH

CENTRAL VIRGINIA, ANNUAL LEGISLATIVE PROGRAM

WHEREAS, the localities of Region 7, North Central Virginia, of the Virginia Association of Counties (VACo), which include the Counties of Caroline, Culpeper, Fauquier, King George, Loudoun, Rappahannock, Spotsylvania and Stafford, have joined together to promote their common good; and

WHEREAS, a significant annual effort toward that end is the development of a legislative program for presentation to those Senators and Delegates who represent the Region 7 localities in the Virginia General Assembly; and

WHEREAS, the Region 7, North Central Virginia, Legislative Program addresses important local issues such as growth management, education, taxation, human services, and unfunded mandates; and

WHEREAS, during his eight years as a member of the Board of Supervisors of Fauquier County,

David C. Mangum has been an active participant in the development of the annual VACo Region 7 Legislative Program, giving unselfishly of his time and making a positive contribution to the deliberations; and

WHEREAS, through his participation in the development of the VACo Region 7 Legislative Program, David C. Mangum has significantly contributed to the betterment of the citizens of Fauquier County, Region 7 and the entire Commonwealth of Virginia; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That David C. Mangum is hereby commended and thanked for his services to the citizens of Fauquier County, region and state through participation in the process to develop the VACo Region 7, North Central Virginia, Annual Legislative Program.

A Resolution to Authorize Changing the Meeting Times for the January 4, 2000 and January 18, 2000 Regularly Scheduled Board of Supervisors Meetings

## RESOLUTION

### A RESOLUTION TO AUTHORIZE CHANGING THE MEETING TIMES

FOR THE JANUARY 4, 2000 AND JANUARY 18, 2000

### REGULARLY SCHEDULED BOARD OF SUPERVISORS MEETINGS

Be It Resolved by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That the time for the January 4, 2000 regularly scheduled meeting of the Fauquier County Board of Supervisors be, and is hereby, scheduled to begin at 9:30 a.m. instead of the regularly scheduled 6:30 p.m.; and, be it

Resolved Further, That the time for the January 18, 2000 regularly scheduled meeting be, and is hereby, scheduled to begin at 6:30 p.m. with public hearings at 7:30 p.m.; and, be it

Resolved Further, That notice of these time changes shall be posted at the Fauquier County Courthouse and the Warren Green Building, as well as advertised in the Fauquier Times Democrat and The Citizen.

A Resolution to Ratify a Change in the Location of the Fauquier County Board of Supervisors' December 6, 1999 Regular Meeting

## RESOLUTION

### A RESOLUTION TO RATIFY A CHANGE IN THE MEETING

LOCATION FOR THE FAUQUIER COUNTY BOARD OF

SUPERVISORS' DECEMBER 6, 1999 REGULAR MEETING

Be It Resolved by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That the

Board of Supervisors does hereby ratify the change in location for the December 6, 1999 regularly scheduled meeting of the Fauquier County Board of Supervisors to the Auditorium at Warrenton Middle School.

A Resolution to Authorize the Chairman of the Board of Supervisors to Sign a Letter to the Army Corps of Engineers (ACOE) Requesting the Status of the Permit for Construction and Operation of Cedar Run Dam #6 (Auburn)

#### RESOLUTION

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS OF FAUQUIER County TO SIGN A LETTER TO THE ARMY CORPS OF ENGINEERS (ACOE) REQUESTING THE STATUS OF THE PERMIT FOR CONSTRUCTION AND OPERATION OF THE CEDAR RUN DAM # 6 (AUBURN)

WHEREAS, members of the Board of Supervisors, the County Administrator, and staff met with representatives from the ACOE on September 22, 1998 and the County responded to issues raised at the meeting on March 23, 1999; and

WHEREAS, the ACOE, in a letter dated May 25, 1999 indicated it planned to have its Engineering and Real Estate Division and its Institute of Water Resources review the County submission, but as of this date has yet to conduct those reviews; and

WHEREAS, Judge Thomas Horne, on September 27, 1999 in the Circuit Court of Fauquier County, issued a Memorandum Opinion that affirmed the action of the State Water Control Board, upheld issuance of the permit, and dismissed the appeal; and

WHEREAS, the County Board of Supervisors desires to know the status of the permit and to notify the ACOE of the Memorandum Opinion; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That the Board does hereby authorize the Chairman to sign the letter to the ACOE.

A Resolution to Adopt the Recommendations of the Judicial Center Action Team

#### RESOLUTION

A RESOLUTION TO ADOPT THE RECOMMENDATIONS  
OF THE JUDICIAL CENTER ACTION TEAM

WHEREAS, the Board of Supervisors appointed the Judicial Center Action Team, comprised of elected and appointed officials, to develop a plan to build a new judicial center; and

WHEREAS, in September 1998, the Board of Supervisors directed the Judicial Center Action Team to solicit and hire a consultant to conduct a Needs Assessment for a new court facility; and

WHEREAS, in February 1999, the Judicial Center Action Team selected the National Center for State Courts (NCSC), to conduct the assessment, which it completed in September 1999; and

WHEREAS, the Judicial Center Action Team completed its work and presented its recommendations to the Board of Supervisors at a work session on the 15<sup>th</sup> of November 1999; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That the Board does approve and hereby adopt the recommendations of the Judicial Center Action Team as noted herein:

- Accept the results contained in the Court Facility Master Plan produced by the NCSC.
- Direct the County Administrator to develop a long-term facility strategic plan for the courts that puts in operation a new Judicial Center in year 2010.
- Direct staff to review changes in population and case filings annually and to analyze those changes in the context of the report. Staff should identify changes in trends and recommend either speeding up or slowing down the strategic plan time line.
- Direct the County Administrator to schedule a future work session to present options for funding a new Judicial Center. Once the Board selects a preferred option, staff will devise a funding strategy and incorporate that strategy in future budget development.
- Direct the County Administrator to examine space needs in conjunction with the reuse plan for Central Elementary School.
- Establish the Court Security Action Team to determine the scope and cost of improving security of the Circuit and General District Courts. Members of the action team are Supervisor Winkelmann, Chairman; Assistant County Administrator; Director, General Services; Court Security Officer, Sheriff's Office; Treasurer; Commissioner of the Revenue; and the clerks of the Circuit, General District, and Juvenile and Domestic Relations Courts.
- Relieve the Judicial Center Action Team from the responsibility of determining the site of the new Judicial Center and refer this action to the Town/County Liaison Committee with the directive to identify an acceptable site(s), recommend a preferred site to the Board of Supervisors, and if tasked to do so by the Board, initiate acquisition. Any such site should be located in downtown Warrenton or within the corporate limits.

A Resolution to Endorse the Election of Supervisor Joe Winkelmann to the Virginia Association of Counties (VACo) Board of Director



## RESOLUTION

A RESOLUTION TO ENDORSE THE ELECTION OF  
SUPERVISOR JOE WINKELMANN TO THE VIRGINIA  
ASSOCIATION OF COUNTIES (VACo) BOARD OF DIRECTORS

WHEREAS, Joe Winkelmann is a duly elected member of the Fauquier County Board of Supervisors; and

WHEREAS, during his term of office Joe Winkelmann has distinguished himself as a leader in legislative matters relating to local governments serving as a member of the VACo Finance Committee and as the Chairman of the Legislative Strategy Task Force of the Virginia Coalition of High Growth Communities; and

WHEREAS, Joe Winkelmann's experience as a professional lobbyist provides pertinent background as VACo seeks to influence state and federal level legislatures; and

WHEREAS, Joe Winkelmann has expressed his willingness to serve on the Board of Directors of VACo; and

WHEREAS, the Fauquier County Board of Supervisors wishes to express publicly its support for the election of Joe Winkelmann to the VACo Board of Directors representing Region 7; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of December 1999, That the Fauquier County Board of Supervisors does hereby endorse the election of Joe Winkelmann to the Board of Directors of the Virginia Association of Counties; and, be it

RESOLVED FURTHER, That the County Administrator is hereby directed to distribute copies of this resolution to the other localities in Region 7 and to solicit their support of Mr. Winkelmann's election.

FY 2000-2001 Secondary Roads Improvement Budget and the FY 2000-2001 Through 2005-2006 Six-Year Plan

## RESOLUTION

A RESOLUTION TO ADOPT THE 2000-2001 THROUGH 2005-2006 SECONDARY  
ROAD SIX YEAR PLAN AND THE 2000-2001 FISCAL YEAR BUDGET

WHEREAS, the 2000-2001 through 2005-2006 Secondary Construction Six Year Plan and the 2000-2001 Fiscal Year Budget for Fauquier County was duly advertised for

public hearing and said public hearing was held on October 4, 1999, and that the items brought forth at the public hearing were duly considered; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That the Board of Supervisors does hereby adopt this 2000-2001 through 2005-2006 Secondary Construction Six Year Plan and the 2000-2001 Fiscal Year Budget as follows:

Priority Magisterial Route

No. District No. PPMS No. Route Name Description of Work

- 1 Cedar Run 0779 15422 Turkey Run Road Reconstruct Roadway
- 2 Marshall 0624 15414 Lost Corner Road Install Arms, Lights at R/R Crossing
- 3 Lee 0651 11152 Sumerduck Road Reconstruct Approaches and Bridge
- 4 Scott 0652 52232 Kennedy Road PE to Develop New Road
- 5 Scott 0652 52233 Kennedy Road PE to Develop New Road
- 6 Marshall 0688 33998 Leeds Manor Road PE to Determine Imprmt. for Curve
- 7 Marshall 0712 18496 Delaplane Grade Road Install Arms, Lights at R/R Crossing
- 8 Cedar Run 0612 52234 Tacketts Mill Road Improve Sight Distance (HES Project)
- 9 Center 1405 18167 Cedar Run Drive Improve Right Turn Lane
- 10 Marshall 0688 New Leeds Manor Road Cut Road Slope to Imp. Site Distance
- 11 Center/Cedar Run 0670 New Old Auburn Road Overlay Existing Road with Plant Mix
- 12 Marshall 0638 New Harrels Corner Road Overlay Existing Road with Plant Mix
- 13 Center 0672 New Blackwell Road Overlay Existing Road with Plant Mix
- 14 Marshall 0678 New Waterloo Road Overlay Existing Road with Plant Mix
- 15 Marshall 0743 New Bears Den Road Overlay Existing Road with Plant Mix
- 16 Scott 0605 New Airlie Road Improve Turning Radius
- 17 Cedar Run 0806 New Elk Run Road Overlay Existing Road with Plant Mix
- 18 Lee 0880 New Turkey Run Drive Overlay Existing Road with Plant Mix
- 19 Lee 0656 New Remington Road Overlay Existing Road with Plant Mix
- 20 Cedar Run 0644 6383 Ritchie Road Reconstruct Roadway
- 21 Lee 0616 17137 Beach Road Curve Improvement
- 22 Lee 0755 17140 Grassdale Road Reconstruct Roadway

- 23 Marshall 0740 New Mount Nebo Church Road Reconstruct Roadway
- 24 Marshall 0737 15421 Conde Road Reconstruct Approaches and Bridge
- 25 Center 0643 15415 Meetze Road Improve Intersection
- 26 Scott/Center 0605 New Airlie Road Engineer Study to Determine Impr.
- 27 Marshall 0688 34005 Leeds Manor Road Curve Improvement
- 28 Lee 0654 52235 Strodes Mill Road Spot Improvements
- 29 Marshall 0737 52236 Conde Road Spot Improvements
- 30 Cedar Run 0806 18168 Elk Run Road Improve Curve at Two Locations
- 31 Lee 0803 New Curtis Road Construct Cul-de-sac
- 32 Marshall 0724 New Ada Road Reconstruct Roadway
- 33 Cedar Run 0607 11140 Shenandoah Path Reconstruct Roadway
- 34 Cedar Run 0748 New Eskridges Lane Reconstruct Roadway
- 35 Marshall 0728 8129 Moss Hollow Road Reconstruct Roadway
- 36 Center/Scott 0605 11217 Dumfries Road Construct Turn Lane and Box Culvert
- 37 Marshall 0689 New Dudie Road Spot Improvements
- 38 Marshall 0770 11176 Putnam Mill Road Reconstruct Roadway
- 39 Cedar Run 0610 11142 Midland Road Reconstruct Roadway
- 40 Lee 0615 Silver Hill Road Reconstruct Roadway and Bridge
- 41 Marshall 0802 52237 Springs Road Improve Curve
- 42 Lee 0659 New Fox Groves Road Reconstruct Roadway
- 43 Marshall 0738 New Wilson Road Improve Sight Distance
- 44 Scott 0673 8117 Baldwin Road Reconstruct Roadway
- 45 Cedar Run 0605 17138 Dumfries Road Reconstruct Roadway
- 46 Center/Scott 0605 15413 Dumfries Road Construct Turning Lane
- 47 Scott 0694 50997 Old Bust Head Road Spot Improvement
- 48 Cedar Run 0811 52238 Windwright Lane Reconstruct Roadway
- 49 Marshall 0645 2413/2414 Tapps Ford Road Reconstruct Bridge and Approaches
- 50 Marshall 0647 11150 Crest Hill Road Reconstruct Bridge and Approaches
- 51 Cedar Run 0790 50995 Boteler Road Reconstruct Roadway

52 Marshall 0647 11151 Crest Hill Road Reconstruct Bridge and Approaches

53 Center/Scott 0605 11216 Dumfries Road Construct Turning Lane

54 Lee 0663 Covingtons Corner Road Construct Turning Lane

55 Lee 0651 11153 Sumerduck Road Reconstruct Bridge and Approaches

56 Center 0672 11155 Blackwell Road Reconstruct Bridge and Approaches

57 Lee 0800 New Old Culpeper Road Construct Turning Lane

58 Lee 1201 New Lucky Hill Road Reconstruct Roadway

59 Lee 0751 52239 Belcoir Road Reconstruct Roadway

60 Cedar Run 0794 52240 Hedding Road Reconstruct Roadway

61 Center 0678 11159 Academy Hill Road Reconstruct Bridge and Approaches

62 Marshall 0798 New Dulins Ford Road Reconstruct Roadway

63 Lee 0656 New Remington Road Reconstruct Bridge and Approaches

64 Marshall 0628 New Cannonball Gate Road Reconstruct Roadway

65 Lee 0674 New Green Road Improve Sight Distance

66 Marshall 0678 New Waterloo Improve Sight Distance

67 Lee 0655 New Lucky Hill Road Reconstruct Bridge and Approaches

68 Center 0678 11160 Academy Hill Road Reconstruct Roadway

A Resolution Requesting the Planning Commission to Prepare Zoning Ordinance Text Amendments to Add an R-3 Residential District (Three Dwelling Units Per Acre) and a Mixed Use District

RESOLUTION

A RESOLUTION REQUESTING THE PLANNING COMMISSION PREPARE ZONING

ORDINANCE TEXT AMENDMENTS TO ADD AN R-3 RESIDENTIAL

DISTRICT (THREE DWELLING UNITS/ACRE) AND A MIXED USE DISTRICT

WHEREAS, the New Baltimore Service District amendments to the Comprehensive Plan were adopted on August 7, 1999; and

WHEREAS, those amendments recommended the addition of two new districts which needed to be added to and implemented through the Zoning Ordinance; and

WHEREAS, these proposed zoning district classifications, the R-3 Residential and Mixed

Use Districts, are needed to implement land use recommendations contained in the restricted area planned for wastewater treatment; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That the Planning Commission prepare text amendments to the Zoning Ordinance establishing R-3 Residential and Mixed Use Districts for review in July of 2000; and, be it

RESOLVED FURTHER, That the purpose of the R-3 Residential District is to provide for single family dwellings at a density not to exceed three dwelling units per acre and to allow other selected uses, which are compatible with the residential character of the district, and the purpose of the Mixed Use District is to strictly control location and encourage innovation and high standards in design for the mix of commercial neighborhood and residential uses.

Preliminary Subdivision Application - Lake Whippoorwill Subdivision

No action was taken.

Preliminary Subdivision Application - The Meadows, Phase Two

No action was taken.

Preliminary Subdivision Application - Robert A. and Marion J. Ganteaume Property

No action was taken.

Preliminary Subdivision Application - Brookside North Subdivision

No action was taken.

Preliminary Subdivision Application - Thistle Hill Subdivision

No action was taken.

**FAUQUIER COUNTY CODE AMENDMENT - SECTIONS 18.5-15 AND 18.5-17 -  
CONSIDER COST SHARE PROGRAM FOR CONTROL AND ERADICATION OF JOHNSON  
GRASS**

A public hearing was held at the November 15, 1999 meeting to consider amending Sections 18.5-15 and 18.5-17 of the Fauquier County Code to establish a cost share program for control and eradication of Johnson Grass. Mr. Burton moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes:        Mr.*

*Larry L.  
Weeks; Mr.  
Joe  
Winkelmann;  
Mr. Wilbur W.  
Burton; Mr.  
James R.  
Green, Jr.;  
Mr. David C.  
Mangum*

*Nays: None*

*Absent During  
Vote: None*

*Abstention:  
None*

#### ORDINANCE

AN ORDINANCE AMENDING SECTIONS 18.5-15 AND 18.5-17 OF  
THE CODE OF FAUQUIER COUNTY TO AUTHORIZE THE  
ESTABLISHMENT OF A COST SHARING PROGRAM FOR THE  
CONTROL AND ERADICATION OF JOHNSON GRASS

WHEREAS, the Board of Supervisors has declared Johnson grass to be a public nuisance; and

WHEREAS, the Johnson grass Control Committee has recommended that the Board of Supervisors authorize the establishment of a cost sharing program with the citizens of Fauquier County for the control and eradication of Johnson grass; and

WHEREAS, the Board of Supervisors deems it to be in the best interest of the health, safety and welfare of the citizens of Fauquier County to authorize the establishment of a cost sharing program for the control and eradication of Johnson grass; now, therefore, be it

ORDAINED by the Board of Supervisors of Fauquier County this 6th day of December 1999, That Sections 18.5-15 and 18.5-17 of the Code of Fauquier County be, and are hereby, amended as follows:

**Section 18.5-15. Rights and duties of landowners and county.**

(a) Each landowner and lessee of land within the county shall

mow, fallow, treat with herbicides or use such other practices as may be approved by the Johnson grass control committee for the purpose of controlling Johnson grass and administering this article. Any landowner or lessee of private or public land may enter into a written compliance agreement with the committee, which agreement shall specify the terms and conditions of the Johnson grass control program which must be followed. So long as all such agreed terms and conditions are being complied with, the landowner or lessee of land shall not be in violation of this article.

(b) The board of supervisors may enter into an agreement with the state department of agriculture and consumer services for the purpose of controlling Johnson grass within the county, and may accept funds from such department as agreed upon.

a. The board of supervisors may hire or appoint a Johnson grass program supervisor on a part-time basis to direct and coordinate the county Johnson grass program, whose duties may include the following:

1. Determination of the degree of Johnson grass infestation.
2. The application of appropriate chemical treatment for control of Johnson grass when needed.
3. Mowing Johnson grass where and when necessary to prevent seed set.
4. **To implement any cost-sharing program developed by the Johnson grass control committee, including the purchase or rental of necessary chemical spray and equipment, and the hiring of temporary personnel to operate such equipment, with all costs of such spray, equipment and personnel to be paid for by the County and the landowner in accordance with any cost-sharing program developed under this chapter. on whose property the Johnson grass is to be eliminated;** and
5. Training temporary personnel,

inspecting equipment and  
supervising its use.

In the event that no Johnson grass program supervisor is retained, administration of the chapter shall be under the control and supervision of the committee.

(d) The board of supervisors shall approve the expenditures of all funds expended pursuant to this chapter.

(e) The board of supervisors may accept, use or expend such aid, gift, grant or loan as may from time-to-time be made available from any source, public or private, for the purpose of carrying out the provisions of this article.

(f) Application of sprays and other control and eradication measures shall be the landowner's responsibility and shall be at the landowner's expense **except as provided in any cost-sharing program implemented in accordance with this chapter.**

**(g)** In the event ~~that~~ **of a violation, and** the committee finds it necessary or desirable to effectuate control or eradication measures on any land, the county shall pay for the costs or labor, sprays and other chemicals and for equipment purchase or rental for such eradication or control, such costs shall be billed to the landowner or lessee of land on whose land the costs were incurred and the service rendered. All such landowners or lessees of land shall reimburse the county for the full amount of such cost incurred. All such reimbursement shall be promptly deposited in a Johnson grass control account in the general revenue fund, and shall revert to the county fund at the end of each fiscal year, regardless of the date accrued or collected, but an unencumbered and unobligated balance on that date shall be available for reappropriation in the following fiscal years, for any purpose deemed appropriate by the board of supervisors.

#### **COMPREHENSIVE PLAN AMENDMENT AND REZONING REQUEST - LEON B. ZEIGER, OWNER/APPLICANT**

A public hearing was held at the October 20, 1998 meeting to consider a request from Leon B. Zeiger, Owner/Applicant to amend the Comprehensive Plan for the Opal Service District to redesignate a total of 60 acres from Planned Commercial Industrial Development (PCID) to Commercial Shopping Center and to rezone a total of 92 acres from Rural Agriculture to Commercial Highway. The property is located on the west side of James Madison Highway at the south end of of the Service District. Mr. Mangum moved to table the decision until the December 20, 1999 meeting. Mr.



Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.  
Larry L.  
Weeks; Mr.  
Joe  
Winkelmann;  
Mr. Wilbur W.  
Burton; Mr.  
James R.  
Green, Jr.;  
Mr. David C.  
Mangum*

*Nays: None*

*Absent During  
Vote: None*

*Abstention:  
None*

**COMPREHENSIVE PLAN AMENDMENT AND REZONING REQUEST - LLOYD SCHWAB, OWNER, AND BENJAMIN GRAVETT FAMILY LIMITED PARTNERSHIP, APPLICANT**

A public hearing was held at the October 4, 1999 meeting to consider a request from Lloyd Schwab, Owner, and Benjamin Gravett Family Limited Partnership, Applicant, to amend the Comprehensive Plan to incorporate three parcels into the Midland Service District and rezone 28.92 acres currently zoned Rural Agriculture to I-2 for an industrial park. The property is located on the northeast side of Route 610, directly across from the Midland Service District, PIN #37819-08-5767, #7819-08-7272, and #7819-08-6289, Cedar Run District. Mr. Burton moved to adopt the following resolution and ordinance. Mr. Winkelmann seconded, and the vote for the motion was 4 to 1 as follows:

*Ayes: Mr. Joe  
Winkelmann;  
Mr. Wilbur W.  
Burton; Mr.  
James R.  
Green, Jr.;  
Mr. David C.  
Mangum*

*Nays: Mr.  
Larry L.  
Weeks*

*Absent During*

*Vote: None*

*Abstention:  
None*

## RESOLUTION

### A RESOLUTION TO APPROVE COMPREHENSIVE PLAN AMENDMENT #CPA99-CR-06

WHEREAS, Lloyd Schwab, Owner, and Benjamin Gravett, Applicant, have filed an application to amend the Fauquier County Comprehensive Plan in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, this amendment is to incorporate three parcels into the Midland Service District in the Comprehensive Plan; and

WHEREAS, the proposed parcels are adjacent to the Midland Service District and meet the criteria outlined in the Comprehensive Plan for an area to be incorporated into a Service District; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on August 26, 1999, regarding this Comprehensive Plan Amendment; and

WHEREAS, the Fauquier County Planning Commission unanimously recommended approval; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on October 4, 1999, regarding this Comprehensive Plan Amendment; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of December 1999, That the Fauquier County Comprehensive Plan be, and is hereby, amended by incorporating the three parcels into the Midland Service District, identified as PIN #7819-08-5767, #7819-08-7272, and #7819-08-6289 into the Comprehensive Plan.

## ORDINANCE

### AN ORDINANCE TO APPROVE REZONING REQUEST #RZ99-CR-06,

#### LLOYD SCHWAB, OWNER/BENJAMIN GRAVETT, APPLICANT

WHEREAS, the owner, Lloyd Schwab, and applicant, Benjamin Gravett, have initiated a request to amend the Fauquier County Zoning Map by changing the designation for a 28.92 acre parcel, identified by PIN #7819-08-5767, from RA (Rural Agriculture) to I-2 (General Industrial); and

WHEREAS, the applicant has filed an application to amend the Fauquier County Zoning Ordinance in accordance with the provisions of Article 13-202; and

WHEREAS, the 28.92 acre parcel is situated within the Midland Service District based on the approved Comprehensive Plan amendment CPA99-CR-06; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on August 26, 1999, regarding this rezoning request; and

WHEREAS, the Fauquier County Planning Commission unanimously recommended approval; and

WHEREAS, the Board of Supervisors on October 4, 1999, held a public hearing on this rezoning request; and

WHEREAS, by adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 6th day of December 1999, That Rezoning Request #RZ99-CR-06 to change the zoning designation for the 28.92 acre parcel located on the northeast side of Route 610, identified as PIN #7819-08-5767 from RA (Rural Agriculture) to I-2 (General Industrial) be, and is hereby, approved with submitted proffers.

**COMPREHENSIVE PLAN AMENDMENT AND REZONING REQUEST - STATE BANK OF REMINGTON, OWNER/APPLICANT**

A public hearing was held at the November 15, 1999, meeting to consider a request from the State Bank of Remington to amend the Comprehensive Plan on the Bealeton Service District map to revise the density, as well as amend the text to include the new density and Planned Residential Development District and to rezone 103 acres from R-1, R-4, TH, C-1 and C-3 to Planned Residential Development and C-2. The property is located at the southern portion of the Route 17 and 28 crossroads in the Bealeton Service District, PIN #6899-46-4144 and #6899-47-6674, Lee District. Mr. Mangum moved to table the decision until the December 20, 1999 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.  
Larry L.  
Weeks; Mr.  
Joe  
Winkelmann;  
Mr. Wilbur W.  
Burton; Mr.  
James R.  
Green, Jr.;  
Mr. David C.  
Mangum*

*Nays: None*

*Absent During  
Vote: None*

*Abstention:  
None*

**SPECIAL EXCEPTION - M.E. WHITMAN, OWNER/APPLICANT**

A public hearing was held at the November 15, 1999 meeting to consider special exception approval for M.E. Whitman, Owner/Applicant to continue to operate a privately owned, public use airport on a permanent basis. The property is located off Sowego Road, PIN #7940-34-8856, Cedar Run District. Mr. Burton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.  
Larry L.  
Weeks; Mr.  
Joe  
Winkelmann;  
Mr. Wilbur W.  
Burton; Mr.  
James R.  
Green, Jr.;  
Mr. David C.  
Mangum*

*Nays: None*

*Absent During  
Vote: None*

*Abstention:  
None*

**RESOLUTION**

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION REQUEST**

**#SE99-CR-27 M.E. WHITMAN, OWNER/APPLICANT**

WHEREAS, M.E. Whitman, owner/applicant, has filed a special exception under Category 21, Transportation, of the Fauquier County Zoning Ordinance to continue operating a privately owned public airport; and

WHEREAS, the special exception application of M.E. Whitman has been properly filed

and all required notices of the public hearings have been properly made, and the Applicant has presented evidence both oral and documentary, and staff has filed a staff report, all indicating compliance with the general standards for the special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds more restrictive standards of Article 5-2100 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on August 26, 1999, on this special exception request and recommended approval subject to fourteen (14) conditions on September 30, 1999; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That Special Exception #SE99-CR-27, M.E. Whitman, Owner/Applicant (PIN#7940-34-8856), be, and is hereby, approved subject to the following conditions:

1. The total number of aircraft based at Whitman's Airfield will not exceed twenty (20), to include ultralights.
2. Takeoff and landing operations occurring prior to 9:00 AM will be required to conduct only straight in and straight out patterns.
3. Effective December 1, 1999, all aircraft based out of Whitman's Airfield will be required to display identifying numbers of no less than twelve (12) inches in size; the color of all such markings shall contrast the background of the aircraft to allow easy recognition.
4. Effective January 1, 2000, all aircraft and ultralights based out of Whitman's Airfield will be required to maintain liability insurance for any flight operating to or from Whitman's Airfield. The owner shall submit to the Zoning Administrator an affidavit no later than February 15 of each year stating that all pilots based out of Whitman's Airfield have liability insurance.
5. The public sale of aviation fuel is prohibited.
- 6.
7. Aircraft based at Whitman's Airfield shall, at all times, follow a standard left-handed pattern. For ultralight aircraft, the downwind leg for the runway 04 shall be east of the clearly visible power lines parallel to runway 04/22; thus keeping all ultralight pattern operation over the Whitman property.
8. Contour flying is illegal per FAR's, and obviously not permitted at Whitman's Airfield.
9. Whitman Airfield will enforce a policy that stipulates against flights under 500 feet above ground level except in pattern activity.
10. Noise abatement procedures shall be clearly outlined to Whitman's Airfield pilots, and rules/guidelines shall be available to all Whitman's Airfield users. Additionally, Whitman will ask the Warrenton-Fauquier Airport and the Warrenton Airpark to display the Whitman Airfield rules and associated noise abatement procedures.
11. Whitman shall make available to the County the policy mandating removal of troublesome pilots from the Whitman Airfield roster. This policy currently affords one verbal/written warning, followed by a probation period and finally a final and permanent removal from the airfield.

12. Whitman's Airfield shall maintain all proper local, state, and Federal regulatory licenses, approvals, and inspections.
13. Effective immediately the grass strip parallel to the road will be closed. Whitman's Airfield will maintain the grass strip with an X and display signs to prevent pilots from landing or taking off there.
14. This special exception is granted for five (5) years.
15. This special exception approval is solely for the Whitman family and heirs; it does not follow with the transfer or selling of the land.
16. No commercial maintenance facility will be permitted at Whitman Airfield.

#### **PRELIMINARY SUBDIVISION APPLICATION - SOUTHCOATE VILLAGE SUBDIVISION**

Mr. Mangum moved to approve a preliminary subdivision application for Southcoate Village Subdivision located on the north side of Route 28 just east of the intersection of Route 28 and Routes 15/29, Lee District. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.  
Larry L.  
Weeks; Mr.  
Joe  
Winkelmann;  
Mr. Wilbur W.  
Burton; Mr.  
James R.  
Green, Jr.;  
Mr. David C.  
Mangum*

*Nays: None*

*Absent During  
Vote: None*

*Abstention:  
None*

#### **A RESOLUTION DIRECTING THE UPDATE OF THE CALVERTON, CATLETT, AND MIDLAND SERVICE DISTRICT PLANS AND THE CREATION OF A MASTER CITIZEN PLANNING COMMITTEE**

Mr. Burton moved to adopt the following resolution. Mr. Green seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.  
Larry L.  
Weeks; Mr.  
Joe*

*Winkelmann;  
Mr. Wilbur W.  
Burton; Mr.  
James R.  
Green, Jr.;  
Mr. David C.  
Mangum*

*Nays: None*

*Absent During  
Vote: None*

*Abstention:  
None*

## RESOLUTION

### A RESOLUTION DIRECTING THE UPDATE OF THE CATLETT, CALVERTON AND MIDLAND SERVICE DISTRICT PLANS

WHEREAS, the Comprehensive Plan of Fauquier County defines the Catlett, Calverton and Midland Service Districts in Chapter 6, Service Districts, in terms of its boundaries, land uses and densities, and in Chapter 10, Transportation, for the road network and associated transportation features; and

WHEREAS, on January 16, 1996, the Fauquier County Board of Supervisors amended the Comprehensive Plan by revising the population projections and allocations represented in Tables 3.17, 3.18, and 3.19, which included the Catlett, Calverton and Midland Service Districts; and

WHEREAS, the Fauquier County Board of Supervisors' Resolution of March 16, 1999, established the review and redesign of the Catlett, Calverton and Midland Service Districts as one of the top ten goals for calendar year 1999-2000; and

WHEREAS, the Cedar Run District Supervisor will appoint a Master Citizen Planning Committee (MCPC), which will be composed of the Catlett, Calverton and Midland Service District sub-committees; and

WHEREAS, the Midland Citizen Planning sub-committee will be appointed by December 6, 1999, and the Catlett and Calverton Service District Citizen Planning sub-committees will be appointed by January 17, 2000; and

WHEREAS, the Master Citizen Planning Committee shall not exceed a cumulative total of 40 voting members, including the Cedar Run Planning Commission and Board of Zoning Appeals members. Citizen appointments will have varying backgrounds,

development interests, and operate a business, be a property owner or resident in the designated service districts; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That the Master Citizen Planning Committee be, and is hereby, established for the update of the Catlett, Calverton and Midland Service District Plans, and shall meet as the official planning committee for purposes of coordination, meetings and presentations; and, be it

RESOLVED FURTHER, That the Cedar Run Supervisor shall appoint a Master Citizen Planning Committee of up to 40 members which shall include the Cedar Run Planning Commission and Board of Zoning Appeals members; and, be it

RESOLVED FURTHER, That the Catlett, Calverton and Midland Citizen Planning sub-committees are responsible for preparing their updated Service District Plans for coordination and inclusion in the overall MCPC planning process; and, be it

RESOLVED FURTHER, That the MCPC updated service district plans for Catlett, Calverton and Midland shall be submitted to the Planning Commission for review and public hearing no later than January 25, 2001; and, be it

RESOLVED FURTHER, That the County Administrator shall provide the required planning staff and clerical support in addition to the public meeting facilities to the MCPC Committee to facilitate the development of the revised Service District Plans for Catlett, Calverton and Midland; and, be it

RESOLVED FINALLY, That it is the intent of the Fauquier County Board of Supervisors to conduct a public hearing on these updated plans in sufficient time to incorporate the changes into the Comprehensive Plan by May 2001.

### **APPOINTMENTS**

By unanimous consent, Bill Frazier was reappointed to the Rappahannock-Rapidan Community Services Board for a three-year term to December 31, 2002.

By unanimous consent, Kirk Lucas was appointed to the Industrial Development Authority for a four-year term to December 6, 2003 to represent Scott District.

By unanimous consent, Sally Murray was appointed to the Industrial Development Authority to fill an unexpired term to March 13, 2000 to an At-Large position.

### **SUPERVISORS TIME**

- Mr. Weeks said that since the proposed equestrian racetrack located in Prince William County had been denied, he would not carry out the Board directive given at the last meeting to deliver citizens comments to Prince William County officials.



**REZONING REQUEST - VINT HILL ECONOMIC DEVELOPMENT AUTHORITY, OWNER**

A public hearing was held to consider a request from Vint Hill Economic Development Authority, Owner, to rezone 661.76 acres from Rural Agriculture to Planned Residential District and Planned Commercial Industrial Development District. The property is located on Routes 215 and 652, PIN #7915-88-6141 and #7915-75-9953, Cedar Run District. Rick Carr, Director of Community Development, gave an overview of the request. John Tuohy, Finance Director, addressed the fiscal impact of the project. Owen Bludau, Executive Director of the Vint Hill Economic Development Authority (VHEDA), Jim Lewis, VHEDA Counsel, and Hunton Tiffany, Member of the VHEDA, spoke in favor of the request. The following citizens spoke:

- Colleen Dawson spoke in favor of approval because of the potential for more jobs and increase in the tax base.
- Bob Dawson spoke in favor of approval because it is good planned growth.
  
- Jeff Parker, Member of the VHEDA, spoke in favor of approval because it is good planned development.
- Jay Tucker, representing the Chamber of Commerce, spoke in favor of approval.
- Steve Crosby spoke in favor of approval because it is a good location and opportunity for the County.
- Frank Ott asked the Board of Supervisors not to dump the whole load at once.
- Kathleen King asked the Supervisors to postpone action and give serious thought to the proposal.
- Debbie Reedy spoke in favor of approval because it is good for now and the future.
- Kitty Smith stated that the Piedmont Environmental Council is trying to make constructive recommendations for this project to make it a better plan.
- Kelly Lott asked that the Board hire an analyst to look at the truth and to postpone action until this is done.
- Anita Tortorella spoke in opposition to the plan.
- Karen Cosner, Member of the VHEDA, spoke in favor of approval because of providing good paying, local jobs and to the increase in the tax base.
- Anne Michael Moorhead spoke in favor of approval.
- Don Rose spoke in favor of approval.
- Paul Bernard spoke in favor of approval.
  
- Chester Stribling, representing Southern Fauquier Business Owners Association, spoke in favor of approval because of the potential to create local jobs.
- Don Garner spoke in favor of approval because it is a good plan and would increase the tax base.
- Ken Tomlinson spoke in favor of democracy.
- Jim Craun spoke in favor of approval because of the increase in the tax base and more jobs.
- Peter Schwartz asked that the Board of Supervisors exercise caution and delay a decision.

- Dink Godfrey spoke in favor of approval and said he felt the VHEDA did an exceptional job on the plan.
  - Harold Spencer spoke in opposition.
  - Margaret Wise asked that the Board hire an analyst and take time to consider before approval.
  - Buddy Lawrence spoke in favor of approval.
  - Matt Weeden asked that careful consideration be given before making a decision.
  - Charles Myer asked that the Board exercise caution and wait to make a decision.
  - Morgan Ott, III spoke in favor of approval because of the increase in the tax base.
  - Kathie Wilson asked that the Board hire an analyst and said that too many questions needed to be answered and that the project was too big.
  - Charlie Westbrook asked that the Board hire an analyst and require that the VHEDA prove the concept by going out and finding clients.
- 
- Dick Viets asked that the Board hire an analyst and stated that the property needed to be developed wisely and practically.
  - Mara Seaforest asked that the Board wait to make a decision. Ms. Seaforest also asked if anyone had studied the negative impacts of the proposed golf course.
  - David deGive asked that the Board hire an analyst.
  - Michael Strojni spoke in favor of approval because of the potential new jobs and the positive impact of growth at Vint Hill instead of New Baltimore.
- 
- Bill Mitchell spoke in favor of approval because of the potential for new jobs.
  - Mel Bearns asked that approval be given for phasing the plan.
  - Richard Stevens said that too many questions needed to be answered.
  - Cindi Howell spoke in opposition and in favor of slow growth.
  - Jim Stone spoke in opposition and stated that the plan needed proffers for schools and sports fields.
  - Bill McMullin spoke in opposition and asked the Board to re-think the rezoning.
  - Richard McMullin spoke in opposition.
  - Walter Story spoke in favor of approval because the plan is a benefit to the County and an increase in the tax base.
  - Lisa McMullin spoke in favor to the proposed road improvements but in opposition to the development of Vint Hill.
  - Mark Rohrbaugh, member of the VHEDA, spoke in favor of approval.
  - Jeff Lippincott spoke in favor of approval.
  - Kay Hayes asked the Board to take a closer look at the plan.
  - Jolly deGive asked the Board to consider rezoning in phases. Ms. deGive stated that there was no money for road improvements and that the VHEDA should proffer a moratorium on construction until the roads are improved.
- 
- Walter Munster spoke in opposition and asked that the Board hire an analyst.
  - Alice Faulkner, representing the Goose Creek Association, was concerned about the size of the plan.
  - Sally Murray spoke in favor of approval.
  - Helen Ford stated that the signs need a lot more thought.

- David Blake spoke in opposition and asked that the decision be delayed until transportation issues are looked at.
- Dave Mailler stated that a lot of questions needed to be answered before the plan should be approved.
- Kevin Maloney spoke in opposition.
- Harold Dutton spoke in opposition.
- Sami Sharikas spoke in favor of approval.
- Michael Siegel spoke regarding his analysis of the plan.
- Julian Scheer stated that he was not opposed to development of Vint Hill and that the rezoning should be done in phases.

The public hearing was closed. Mr. Winkelmann moved to table the decision until the December 20, 1999 meeting. Mr. Green seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.  
Larry L.  
Weeks; Mr.  
Joe  
Winkelmann;  
Mr. Wilbur W.  
Burton; Mr.  
James R.  
Green, Jr.;  
Mr. David C.  
Mangum*

*Nays: None*

*Absent During  
Vote: None*

*Abstention:  
None*

#### **SPECIAL EXCEPTION – LYNN A PIROZZOLI, OWNER/APPLICANT**

A public hearing was held to consider a request for special exception approval for Lynn A. Pirozzoli, Owner/Applicant, to allow for a flagstone patio area and catering staging area/horse boarding annex that were built in proximity to, but not the exact location specified on a previously approved special exception plat. The property is located on Meetze Road, PIN #6993-15-3605, Center District. Lynn Pirozzoli, Merle Fallon, representing Ms. Pirozzoli, Samuel Lilly, representing Charlotte Brady, Dan Neja, Melinda Garrish, Diana Williams, Rodney Smith, Will Green, Spencer Dean, and Lowana Wilsher spoke in favor of the request. Bruce Bugby, Deedee Stockton, Harold Malgrin, Susan Feeley, Dan O'Connell, representing Mr. Bugby and Ms. Wagner, and Judy Frier spoke in opposition. Jim Stone, John Sherman, Winston Wall, Mara Seaforest, Charles Davies, Joan Helantro, Kathy Wilson, Kitty Smith, Roberta Wagner, and Robin Melincautch

stated that the zoning laws should be enforced. Julie Reerden stated that the zoning law process should be streamlined. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to table the decision until the December 20, 1999 meeting. Mr. Mangum seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.  
Larry L.  
Weeks; Mr.  
Joe  
Winkelmann;  
Mr. Wilbur W.  
Burton; Mr.  
James R.  
Green, Jr.;  
Mr. David C.  
Mangum*

*Nays: None*

*Absent During  
Vote: None*

*Abstention:  
None*

#### **SPECIAL EXCEPTION – B.G. SOWDER, OWNER/APPLICANT**

A public hearing was held to consider a request for special exception approval for B.G. Sowder, Owner/Applicant to allow for a reduction in the 85% non-common open space requirement in order to divide the property into three parcels. The property is zoned Rural Agriculture, contains 71.32 acres, and is located on the west side of Routes 15/17/29 approximately two miles south of the Warrenton Town Limits, PIN #6982-38-7868-000, Marshall District. Bob Sowder spoke in favor of the request. Kitty Smith and Greg Smith spoke in opposition to reducing the open space. The public hearing was closed. Mr. Green moved to table the decision until the December 20, 1999 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.  
Larry L.  
Weeks; Mr.  
Joe  
Winkelmann;  
Mr. Wilbur W.  
Burton; Mr.  
James R.  
Green, Jr.;  
Mr. David C.*

*Mangum*

*Nays: None*

*Absent During  
Vote: None*

*Abstention:  
None*

**SPECIAL EXCEPTION – CEDAR RUN VOLUNTEER RESCUE SQUAD, INC.,  
OWNER/APPLICANT**

A public hearing was held to consider a request for special exception approval for Cedar Run Volunteer Rescue Squad, Inc., Owner/Applicant to allow for expansion of the existing rescue squad building. The property is zoned Commercial-Neighborhood, contains 3.94 acres, and is located on the north side of Route 28 in Catlett, PIN #7922-72-7505-000, #7922-72-5699-000, and #7922-72-1640-000, Cedar Run District. No one spoke. The public hearing was closed. Mr. Burton moved to adopt the following resolution. Mr. Green seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**RESOLUTION**

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION REQUEST #SE99-CR-40**

**EXPANSION OF EXISTING BUILDING—CEDAR RUN VOLUNTEER RESCUE SQUAD**

WHEREAS, Cedar Run Volunteer Rescue Squad, Inc., owner/applicant, is requesting special exception approval under Category 11 of the Zoning Ordinance to allow for expansion of the existing rescue squad building; and

WHEREAS, the special exception application of Cedar Run Volunteer Rescue Squad, Inc., has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds that the more restrictive standards of Article 5, Sections 5-1101, 5-1102 and 5-1105 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on September 30, 1999 on this special exception request and recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of December 1999, That Special Exception #SE99-CR-40, Cedar Run Volunteer Rescue Squad, Inc., (PIN# 7922-72-7505-000, #7922-72-5699-000, and #7922-72-1640-000) be, and is hereby, approved

**FAUQUIER COUNTY CODE AMENDMENT – CHAPTER 11, GRADING, SOIL EROSION AND SEDIMENTATION**

A public hearing was held to consider amending Chapter 11 of the Fauquier County Code regarding Grading, Soil Erosion and Sedimentation. No one spoke. The public hearing was closed. Mr. Mangum moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**ORDINANCE**

**AN ORDINANCE TO AMEND CHAPTER 11, GRADING, SOIL EROSION**

**AND SEDIMENTATION, OF THE CODE OF FAUQUIER COUNTY TO**

**COMPLY WITH TITLE 10.1, CHAPTER 5, ARTICLE 4 OF THE STATE LAW**

WHEREAS, the Fauquier County Board of Supervisors is committed to supporting the Department of Community Development in its efforts of implementing and enforcing the Virginia Erosion and Sediment Control Law; and

WHEREAS, this ordinance is reviewed by the Virginia Department of Conservation and Recreation for compliance with the Virginia Erosion and Sediment Control Law; and

WHEREAS, the Virginia Erosion and Sediment Control Law was revised in 1996; and

WHEREAS, Chapter 11 of the Fauquier County Code was last revised in 1993; and

WHEREAS, the two needed changes to bring the Fauquier County Code into compliance

with the Virginia State Law are minor in nature and should not adversely impact any involved party; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 6<sup>th</sup> day of December 1999, That the Board of Supervisors approves the proposed amendments to Chapter 11, Grading, Soil Erosion and Sedimentation, of the Code of Fauquier County, and, be it

ORDAINED FURTHER, That the Board of Supervisors direct that these amendments be effective immediately.

## Chapter 11

### GRADING, SOIL EROSION AND SEDIMENT CONTROL

1. Purpose of chapter.
2. Definitions.
3. Local program generally.
4. Regulation of land disturbing activities.
5. Action on erosion and sediment control plans.
6. Issuance of land disturbing permit; fees.
7. Approved plan required for issuance of permits; certification; bonding of performance.
8. Monitoring, reports and inspections.
9. Administrative appeal; judicial review.
10. Penalties, injunctions and other legal actions.

#### **Sec. 11-1. Purpose of chapter.**

The purpose of this chapter is to conserve the land, water, air and other natural resources of the county and to promote public health and welfare of the people in the county by establishing requirements for the control of erosion and sedimentation, and by establishing procedures whereby these requirements shall be administered and enforced.

#### **Sec. 11-2. Definitions**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Administrator:* A representative of the board of supervisors who has been appointed to serve as an agent of the board of supervisors in administering this chapter.

*Applicant:* Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land disturbing activities to begin.

*Board or Virginia Soil and Water Conservation Board:* The agency created in Title 10.1 of the Code of Virginia.

*Clearing:* Any activity which removes the vegetative ground cover, including but not limited to, root mat removal or topsoil removal.

*Construction plan, erosion and sediment control plan or plans:* A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plans shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives. The plan shall consist of, as a minimum, a written document detailing the necessary erosion and sedimentation control measures and the timing of their installation, as well as scale drawings indicating the character, scope, and limits of land disturbing activities on the unit or units of land, and the locations of the conservation measures. These locations may be shown on the site plan or construction drawings for the project with which the land disturbing activity is related.

*Conservation standard or standards:* The criteria, guidelines, techniques and methods for the control of erosion and sedimentation found in Chapter 3 of the current edition of the Virginia Erosion and Sediment Control Handbook, as amended.

*Department of Community Development:* The County Department of Community Development.

*District or soil and water conservation district:* A governmental subdivision of the state, and a public body corporate and politic, organized in accordance with the provisions of the Soil Conservation Districts Law, Title 10.1, Chapter 5, Article 4, Code of Virginia, as amended.

*Excavating:* Any digging, scooping, or other methods of removing earth materials.

*Grading:* Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

*Land disturbing activity:* Any land change which may result in soil erosion from water or wind and movement of sediments into state waters or onto lands in the state, including, but not limited to, clearing, grading excavating, transporting and filling of land, except that the term shall not include:

1. Such minor land disturbing activities as home gardens and individual home landscaping, repairs and maintenance work;
2. **Individual service connections;**
3. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or



sidewalk provided such land disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced;

4. Septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served the septic tank system;
5. Surface or deep mining;
6. Exploration or drilling for oil and gas, including the well site, roads, feeder lines, and off-site disposal areas;
7. Neither shall it include tilling, planting or harvesting of agricultural, horticultural or forest crops; or livestock feedlot operations;
8. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
9. Disturbed land areas of less than ten thousand (10,000) square feet in size, unless an Erosion and Sediment Control Plan is required by the terms of any other state or county ordinance or regulation;
10. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
11. Emergency work or repairs necessary to protect life, limb, or property; provided that if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the local plan-approving authority or the board where applicable. Emergency work or repairs will be reported to, and a land disturbing permit obtained from, the Department of Community Development, not later than the second working day following commencement of the work.

*Land disturbing permit:* A permit issued by the county for clearing, filling, excavating, grading or transporting, or any combination thereof, on all lands except those lands privately owned, occupied or operated for agricultural, horticultural or forestal purposes as defined in Section 11-4 (a).

*Local erosion and sediment control program or local control program:* An outline or explanation of the various elements or methods employed by a district, county, city or town to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program, and may include such items as a local ordinance, policies and guidelines, technical materials, inspection, enforcement and evaluation.

*Owner:* The owner or owners of the freehold of the premises or lesser estate therein, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

*Permittee:* The person to whom the permit authorizing land disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

*Person:* Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

*Plan-approving authority:* The Department of Community Development is the plan-approving authority for conservation plans submitted for land disturbing activities on a unit or units of land in the county. The John Marshall Soil and Water Conservation District shall be offered the opportunity to comment on all such plans prior to their approval.

*Stabilization:* For the purpose of this chapter, stabilization is defined as 90% permanent ground cover established to a height of 2" and having survived for twelve months without need of replanting or repair. The 90% shall be equally distributed over the entire project area, with no evident bare spots.

*State erosion and sediment control program or state program:* The program adopted by the Board, consisting of conservation standards, guidelines and criteria to minimize erosion and sedimentation.

*"State waters":* All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

*Subdivision:* The provisions of Section 2-39 of the Subdivision Ordinance of Fauquier County pertaining to the definition of subdivision within Fauquier County, are hereby adopted and incorporated mutatis mutandis in this chapter by reference.

*Town:* An incorporated town.

*Transporting:* Any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

### **Sec. 11-3. Local program generally.**

- a. Erosion and sediment control plans submitted for approval to the Department of Community Development under this chapter shall:
  1. Be prepared in accordance with Chapters 3 and 4 of the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, as amended and the Virginia Erosion and Sediment Control Regulations, 1990, as amended. The use of the engineering calculations and standard proactive indications provided in Chapters 2 and 5 of said handbook is recommended;
  2. Contain the elements listed and explained in Chapter 6 of the Virginia

Erosion and Sediment Control Handbook, Third Edition, 1992, as amended.

- b. The John Marshall Soil and Water Conservation District and the Department of Community Development shall be guided by the standards and the criteria set forth in the current edition of the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, as amended, and the Virginia Erosion and Sediment Control Regulations, 1990, as amended, in considering the adequacy of plans submitted for approval.
- c. The issuance of a Land Disturbing Permit under the provisions of this chapter, shall not guarantee or vest the property owner with the right to receive any other administrative or legislative permit approval required for the use of the property which is subject of the Land Disturbing Permit.

#### **Sec. 11-4. Regulation of land disturbing activities.**

Except as provided in (a), (b), and (c) of this section, no person shall engage in any land disturbing activity until he has received a land disturbing permit based upon an erosion and sediment control plan approved by the Department of Community Development.

***The preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.***

- a. Any person who owns, occupies, or operates private land for agricultural, horticultural or forestal purposes shall not be deemed in violation of this chapter for land disturbing activities which result from the tilling, planting or harvesting of agricultural, horticultural or forest crops or products or engineering operations such as the construction of terraces, terrace outlets, check dams, desilting basins, floodwater retarding structures, channel improvements, floodways, dikes, ponds, ditches, and the like; the utilization of strip cropping, lister furrowing, contour cultivating, and contour furrowing; land drainage; land irrigation; seeding and planting of waste, sloping abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees and grasses; forestation and reforestation; rotation of crops; soil stabilization with trees, grasses, legumes, and other thick growing, soil holding crops; retardation of runoff by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded. Any person who owns, occupies, or operates private agricultural, horticultural or forest lands shall comply with the requirements of this chapter wherever that person proposes to conduct grading, excavating or filling operations, except as expressly exempted by this chapter.
- b. Any state agency that undertakes a project involving a land disturbing activity.
- c. Any person whose land disturbing activities involves lands which extend into the jurisdiction of another local erosion and sediment control program; provided, such person has a plan approved by the Virginia Soil and Water Conservation Board. Such persons shall, however, comply with the

requirements of this chapter regarding the provision of a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other arrangement as is acceptable to the Department of Community Development.

**Sec. 11-5. Action on erosion and sediment control plan.**

- a. The Department of Community Development shall, within forty-five (45) days of submission, approve any erosion and sediment control plans if it determines that the plan meets the conservation standards of the local control program and if the applicant certifies that he will properly perform the erosion and sediment control measures included in the plan and comply with the provisions of this chapter, provided, however, plans submitted as part of applications for the approval of subdivisions or site plans may, at the request of the applicant, be subject to the time limits applicable to the subdivision or site plan application, so that modifications required as a result of the subdivision or site plan process can be made. Where a plan is submitted as part of an application for approval of a subdivision or site plan and the applicant does not request that it be reviewed subject to the time limit applicable to the subdivision or site plan application, such plan shall be reviewed and acted upon within forty-five (45) days, provided, however, where changes or modifications to the plan are required as a result of the subdivision or site plan process, the applicant shall submit the modification which shall be considered a new application for approval and shall be acted upon by the Department of Community Development within forty-five (45) days of the submission. The approval of any plan submitted with a subdivision or site plan application, but acted upon separately, shall not act to vest or grandfather the plan where modifications are required as part of the subdivision or site plan process.
- b. Disapproval of any plan shall be in writing and give the specific reasons for its disapproval. When a plan submitted for approval pursuant to this chapter is found to be inadequate, the Department of Community Development shall specify such modifications, terms, and conditions as will permit approval of the plan and shall communicate these requirements to the applicant. If no action is taken by the Department of Community Development within the time specified in subsection (a), the plan shall be deemed approved and the person shall be authorized to proceed with the proposed activity.
- c. An approved plan may be modified by the Department of Community Development in the following cases:
  1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations; or
  2. Where the permittee finds that because of changed circumstances the approved plan cannot be effectively implemented, and proposed amendments to the plan, consistent with the requirements of this chapter, are agreed to by the Department of Community Development.

**Sec. 11-6. Applications for land disturbing permit; fees.**

- a. Application for land disturbing permits shall be made to the Department of Community Development on forms, as specified by the administrator, and shall include five (5) copies of an erosion and sediment control plan prepared in accordance with this chapter, and the required fee.
- b. The Board of Supervisors shall establish from time to time a schedule of fees for the review and approval or disapproval of erosion and sediment control plans and the issuance of land disturbing permits. Such fees shall be paid to the treasurer, Fauquier County, at the time of filing such plans or, if no plan is required upon the issuance of the land disturbing permit.

**Sec. 11-7. Approved plan required for issuance of permits; certification; bonding of performance.**

- a. The Department of Community Development shall not issue any land disturbing, building zoning or site plan permits or subdivision approval for activities which involve land disturbing unless the applicant therefor submits with his application the approved erosion and sediment control plan or certification of such approved plan from the Department of Community Development, and certification that the plan will be followed.
- b. The Department of Community Development shall prior to the approval of any application for subdivision or site plan, or the issuance of any grading, land disturbing, building or other permit, require from any applicant a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement as is acceptable to the Department of Community Development to ensure that emergency measures could be taken by the county at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required of him as a result of his land disturbing activity. If the agency takes such conservation action upon such failure by the permittee, the agency may collect from the permittee for the difference should the amount of the reasonable cost of such action exceed the amount of security held. Within sixty (60) days of the achievement of adequate stabilization of the land disturbing activity, as determined by the Department of Community Development, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated as the case may be. No land disturbing activity will be deemed completed until all permanent conservation measures are established. The requirement of any performance guarantee may be waived by the administrator if he determines that the application of such a requirement would impose an unnecessary hardship on the applicant or would be of an insignificant amount. In determining whether to waive any performance guarantee the administrator shall consider the applicant's prior performance in implementing other plans.

- c. The requirements of this section are in addition to all other provisions of law which relate to the issuance of such permits and shall not be construed to otherwise affect the requirements of such permits

**Sec. 11-8. Monitoring, reports, and inspections.**

- a. The Department of Community Development shall ensure that the land disturbing activity is inspected periodically in accordance with those procedures set forth in the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, as amended, and the Virginia Erosion and Sediment Control Regulations, 1990, as amended to ensure compliance with the approved plan and to determine whether the measures required in that plan are effective in controlling erosion and sediment resulting from the land disturbing activity. Assistance in inspecting such activities will be provided by the County Building Inspector. The right-of-entry to conduct such inspection shall be expressly reserved in the permit and notice of inspection shall be given to the permittee.
- b. The Department of Community Development may require monitoring and reports from the permittee to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The Department of Community Development shall determine the content, the required number of reports and frequency for each project during the plan approval process upon recommendation of the plan review agency. Failure to submit the required reports will constitute a violation of the plan.
- c. If the Department of Community Development determines that the permittee has failed to comply with the plan, the Department of Community Development shall immediately serve upon the permittee, by registered or certified mail, to the address specified by the permittee in his permit application or by delivery at the site of the permitted activities to the employees of the permittee supervising such activities, a notice to comply. Such notice shall set forth specifically the measures needed to come into compliance with such plan and shall specify the time within which such measures shall be completed. If the permittee fails to comply in the time specified in the notice to comply, the Department of Community Development will take action to incur liability against the permit holder's performance bond, letter of credit, cash escrow, or other instrument to implement the needed conservation measures. Failure to implement the actions required in the notice to comply, shall be deemed to be in violation of this chapter and in addition the penalties specified in this chapter may result in the revocation, after due notice and hearing, of the permit and plan approval. (Ord. No. 87-3, 9-16-86)

**Sec. 11-9. Administrative appeal; judicial review.**

- a. Final decisions of the Department of Community Development under this

chapter shall be subject to review by the Board of Supervisors, provided an appeal is filed within thirty (30) days from the date of any written decision by the Department of Community Development which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land disturbing activities, provided, however, any permittee appealing a notice to comply shall take those corrective actions required in the notice to comply, which in the judgement of the administrator are necessary to protect against imminent danger of harmful erosion to land or sediment deposition in the watersheds of the Commonwealth, with the time specified in the notice.

- b. Final decision of the Board of Supervisors under this chapter shall be subject to review by the Circuit Court of Fauquier County, provided an appeal is filed within thirty (30) days from the date of the final written decision of the Board which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land disturbing activities.

#### **Sec. 11-10. Penalties, injunctions and other legal actions.**

- a. A violation of this chapter shall be deemed a Class I misdemeanor.
- b. The Zoning Administrator may apply to the Circuit Court of Fauquier County for injunctive relief to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that there does not exist an adequate remedy at law.
- c. The Commonwealth's Attorney shall, upon request of the Department of Community Development, take legal action to enforce the provisions of this chapter.
- d. Upon receipt of a sworn complaint of a violation of either Section 11-4 or 11-8 from the Department of Community Development, the County Administrator may, in conjunction with or subsequent to a notice to comply as specified in Section 11-8, issue an order requiring that all or part of the land activities permitted on the site be stopped until the specified corrective measures have been taken or, if land disturbing activities have commenced without an approved plan as provided in Section 11-7, requiring that all land disturbing activities be stopped until an approved plan or any required permits are obtained. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in the watersheds of the commonwealth, or where the land disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in Section 11-8(b) above. The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief of the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the County Administrator may issue an order to the owner requiring that all

construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the locality in which the site is located. The owner may appeal the issuance of an order to the Circuit Court of the jurisdiction wherein the violation was alleged to have occurred. Any person violating or failing, neglecting or refusing to obey an order issued by the County Administrator may be compelled in a proceeding instituted in the Circuit Court of the jurisdiction wherein the violation was alleged to have occurred by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action, or obtaining an approved plan or any required permits the order shall be immediately lifted.

With no further business, the meeting was adjourned.